

# EXHIBIT 1-B



Eli Wade-Scott <ewadescott@edelson.com>

---

**[Ext] Re: 23&Me**

5 messages

---

**Ballon@gtlaw.com** <Ballon@gtlaw.com>

Fri, Jan 19, 2024 at 2:25 AM

To: jedelson@edelson.com

Cc: ewadescott@edelson.com, rbalabanian@edelson.com, tlogan@edelson.com

Thanks for letting me know. I am disappointed since when you reached out you had proposed an early mediation. Are you comfortable sharing your specific concern to see if it can be addressed?

Can I assume you are not seeking declaratory relief re arbitration since we are not going to be moving to compel arbitration?

Regards,

Ian

Ian C. Ballon  
Co-Chair, Global Intellectual Property & Technology Practice Group  
Greenberg Traurig LLP

East Palo Alto Direct Dial: (650) 289-7881

LA Direct Dial: (310) 586-6575

1900 University Avenue

5th Floor

East Palo Alto, CA 94303

Main number: (650) 328-8500

Direct fax: (650) 462-7881

1840 Century Park East

19th Floor

Los Angeles, CA 90067


Main number: (310) 586-7700

Direct fax: (310) 586-0575

Ballon@GTLaw.com

www.IanBallon.net

 Greenberg Traurig

 Mansfield Rule 4.0 Certification Plus  
2021



**LAWYER OF THE YEAR:**

**Information Technology Law**

Los Angeles, 2013, 2016, 2020, 2022, 2023

**Technology Law**

Los Angeles, 2018, 2020

**Information Technology Law**

San Jose, 2019



**Top 100**

Northern California



**LAW360, REGIONAL  
POWERHOUSE**  
California, 2022

On Jan 18, 2024, at 4:52 PM, Jay Edelson <[jedelson@edelson.com](mailto:jedelson@edelson.com)> wrote:

**\*EXTERNAL TO GT\***

Ian,

I wanted to check in with you in hopes of being transparent. While we agree that early negotiations makes sense, we are not comfortable with how it is proceeding. At this point, we do not intend to go to the mediation. We have communicated that to the larger group and perhaps things will change.

We expect to get the complaint on file on Tuesday. We'll send you a copy of it.

Best,

Jay



**Jay Edelson**

350 N LaSalle St, 14th Floor, Chicago, IL 60654  
d 312.589.6375 · t 312.589.6370 · [edelson.com](mailto:edelson.com)

Non-Compliant · @JayEdelson (Twitter · LinkedIn)

---

If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate the information.

---

**Jay Edelson** <[jedelson@edelson.com](mailto:jedelson@edelson.com)>

Fri, Jan 19, 2024 at 9:35 AM

To: [Ballon@gtlaw.com](mailto:Ballon@gtlaw.com)

Cc: [ewadescott@edelson.com](mailto:ewadescott@edelson.com), [rbalabanian@edelson.com](mailto:rbalabanian@edelson.com), [tlogan@edelson.com](mailto:tlogan@edelson.com)

Thanks, Ian. I'm disappointed too. Right now we have so many firms that have very different backgrounds and very different approaches. Many of the firms don't seem to understand the facts or the law or even care to understand them. Because there's no interim leadership, there are a lot of voices, which means really bad inefficiencies. (Many people are talking simply to talk and there are no opportunities to have real, substantive conversations with the group.). And, speaking frankly, there's a significant segment of lawyers in this case who simply think about settlements differently than our firm and others.

All of this, of course, bleeds into how the mediation is proceeding. It feels incredibly rushed and the parameters around it (we are for some reason limited to an 8 page statement, there is not a real information exchange, etc) undercuts our confidence in this.

Would you be willing to consider delaying the mediation? The court can appoint interim leads and we can do this the right way? I don't see the briefing on it to be extensive and I actually think the process of leadership motions could result in some better self-ordering and will certainly provide the larger group with the different theories and approach that the respective firms have.

As I said to the group, although I believe this is the wrong course, I'm not closed off. If people can coalesce around a good approach, then I'd be happy to reconsider my position. But it sounds very hard to pull off in a week given how it's going.

In terms of the arb count, could we write up a stipulation for you to look at? If we have one, then we can jettison that count.

Best,

Jay



**Jay Edelson**

350 N LaSalle St, 14th Floor, Chicago, IL 60654

d 312.589.6375 · t 312.589.6370 · edelson.com

Non-Compliant · @JayEdelson (Twitter · LinkedIn)

[Quoted text hidden]

---

**Ballon@gtlaw.com** <Ballon@gtlaw.com>

Wed, Jan 24, 2024 at 10:53 PM

To: jedelson@edelson.com

Cc: ewadescott@edelson.com, rbalabanian@edelson.com, tlogan@edelson.com, Rebekah.Guyon@gtlaw.com

8 pages is suggested but you are not limited to that number of pages

Enough parties have planned to be there that we think we should go forward. Mediation sometimes is a process. While it would be great to get it resolved next week, and Wulff is very good at forcing parties to cut to the chase, it is possible that this would start a process, not end it. In any case, it would be great if you had a seat at the table.

Happy to review a draft stipulation.

Happy to chat further if helpful.

Regards,

Ian

[Quoted text hidden]

On Jan 19, 2024, at 7:36AM, Jay Edelson <jedelson@edelson.com> wrote:

[Quoted text hidden]

---

**Jay Edelson** <jedelson@edelson.com>

Thu, Jan 25, 2024 at 6:00 PM

To: Ballon@gtlaw.com

Cc: Rebekah.Guyon@gtlaw.com, ewadescott@edelson.com, rbalabanian@edelson.com, tlogan@edelson.com

Ian,

Thanks for the response. We will try to get you a stip tomorrow.

Best,

Jay



**Jay Edelson**

350 N LaSalle St, 14th Floor, Chicago, IL 60654

d 312.589.6375 · t 312.589.6370 · edelson.com

Non-Compliant · @JayEdelson (Twitter · LinkedIn)

[Quoted text hidden]

---

**Eli Wade-Scott** <ewadescott@edelson.com>

Fri, Jan 26, 2024 at 9:54 PM

To: Jay Edelson <jedelson@edelson.com>

Cc: Ballon@gtlaw.com, Rebekah.Guyon@gtlaw.com, rbalabanian@edelson.com, tlogan@edelson.com

Ian - following up on this piece, here's a draft stipulation.

Best,

Eli

[Quoted text hidden]

--

**Edelson**<sup>PC</sup>

**J. Eli Wade-Scott**

350 N LaSalle St, 14th Floor, Chicago, IL 60654

d 312.242.0859 · t 312.589.6370 · edelson.com



**Melvin-23andMe Arbitration Stipulation [EPC].docx**

72K



Eli Wade-Scott <ewadescott@edelson.com>

[Ext] Re: [Ext] Re: [Ext] Re: 23&Me

3 messages

Ballon@gtlaw.com <Ballon@gtlaw.com>

Sun, Jan 28, 2024 at 1:25 PM

To: ewadescott@edelson.com

Cc: jedelson@edelson.com, Rebekah.Guyon@gtlaw.com, rbalabanian@edelson.com, tlogan@edelson.com,

Adam.Korn@gtlaw.com

This seems needlessly inflammatory.

How about something much narrower that says we stipulate that we are not moving to compel arbitration in this case? I made that clear to Jay and am happy to put that in writing to avoid needless and expensive early motion practice.

That does not mean that we agree that the current and/or former iterations of the arbitration agreement are unenforceable.

Regards,

Ian

Ian C. Ballon  
Co-Chair, Global Intellectual Property & Technology Practice Group  
Greenberg Traurig LLP

East Palo Alto Direct Dial: (650) 289-7881

LA Direct Dial: (310) 586-6575

[1900 University Avenue](#)

[5th Floor](#)

[East Palo Alto, CA 94303](#)

Main number: (650) 328-8500

Direct fax: (650) 462-7881

[1840 Century Park East](#)

[19th Floor](#)

[Los Angeles, CA 90067](#)


Main number: (310) 586-7700

Direct fax: (310) 586-0575

Ballon@GTLaw.com

www.IanBallon.net

 Greenberg Traurig

 Mansfield Rule 4.0 Certification Plus  
2021

**LAWYER OF THE YEAR:**

**Information Technology Law**

Los Angeles, 2013, 2016, 2020, 2022, 2023

**Technology Law**

Los Angeles, 2018, 2020

**Information Technology Law**

San Jose, 2019

**Top 100**

Northern California

---

**Jay Edelson** <jedelson@edelson.com>

Sun, Jan 28, 2024 at 1:46 PM

To: Ballon@gtlaw.com

Cc: ewadescott@edelson.com, Rebekah.Guyon@gtlaw.com, rbalabanian@edelson.com, tlogan@edelson.com, Adam.Korn@gtlaw.com, Hannah Hilligoss <hhilligoss@edelson.com>

Ian,

Apologies. We were not trying to be inflammatory, nor were we trying to overreach. Do you want to just mark it up and then we can put the issue to bed?

Best,

Jay

**Edelson**<sup>PC</sup>

**Jay Edelson**

350 N LaSalle St, 14th Floor, Chicago, IL 60654

d 312.589.6375 · t 312.589.6370 · edelson.com

Non-Compliant · @JayEdelson (Twitter · LinkedIn)

---

**Ballon@gtlaw.com** <Ballon@gtlaw.com>

Sun, Jan 28, 2024 at 2:56 PM

To: jedelson@edelson.com

Cc: ewadescott@edelson.com, Rebekah.Guyon@gtlaw.com, rbalabanian@edelson.com, tlogan@edelson.com, Adam.Korn@gtlaw.com, hhilligoss@edelson.com



Ok, will do

Ian C. Ballon  
Co-Chair, Global Intellectual Property & Technology Practice Group  
Greenberg Traurig LLP

East Palo Alto Direct Dial: (650) 289-7881

LA Direct Dial: (310) 586-6575

1900 University Avenue

5th Floor

East Palo Alto, CA 94303

Main number: (650) 328-8500

Direct fax: (650) 462-7881

1840 Century Park East

19th Floor

Los Angeles, CA 90067


Main number: (310) 586-7700

Direct fax: (310) 586-0575

Ballon@GTLaw.com

www.IanBallon.net

 Greenberg Traurig

 Mansfield Rule 4.0 Certification Plus  
2021



**LAWYER OF THE YEAR:**

**Information Technology Law**

Los Angeles, 2013, 2016, 2020, 2022, 2023

**Technology Law**

Los Angeles, 2018, 2020

**Information Technology Law**

San Jose, 2019



**Top 100**

Northern California



**LAW360, REGIONAL  
POWERHOUSE  
California, 2022**